

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**JUAN MORGAN,**

Plaintiff,

vs.

**MIKE JOHANNNS, SECRETARY,  
DEPARTMENT OF AGRICULTURE,**

Defendant.

**Civil Action No.: 05-989 (RCL)**

**MOTION TO EXTEND DEADLINE**

Pursuant to Federal Rule of Civil Procedure 30(b), plaintiff respectfully requests a 90-day enlargement of the discovery period, making the close of discovery June 3, 2008. Discovery currently is scheduled to end March 3, 2008. A proposed order is submitted herewith.

Plaintiff, who has obtained local counsel and thus representation in this matter as of February 11, 2008, seeks an enlargement so that defendant's employees depositions may be taken. Plaintiff was deposed on November 15, 2007 and deposed Angelo Cielo on November 16, 2007. During his deposition Dr. Cielo referred to other employees of the defendant as having the information sought. He believes that these two key witnesses are retired, Dr. Frank Hoffman and Mr. James Swenson.

On November 20, 2007 the plaintiff, still pro-se, dispatched a Rule 34 Request seeking the last known addresses of these former employees referred to by Dr. Cielo and numerous documents Dr. Cielo referred to in his deposition or concerning events referred to in that

1 deposition. Dr. Cielo indicated that both witnesses were retired and that he believed both lived  
2 outside the United States.

3 No response to the November 20, 2007 demand has been received. This office reminded  
4 the defendant's attorney of that demand on February 4 when we advised that office of the  
5 pending appearance of Clifford Shoemaker, Esq. and of my proposed application for admission  
6 pro hac vice. On February 11, 2008 the defendant dispatched a second set of interrogatories, the  
7 response to which is due on March 13.

8 Much of the delay in this matter was due to plaintiff's inability to obtain representation  
9 by local counsel until this month. Plaintiff had been promised representation by the law clinic at  
10 Howard University School of Law, which delayed this matter significantly. Upon reaching the  
11 conclusion that the clinic would not become involved, this office then obtained the services of  
12 Mr. Shoemaker as local counsel. The undersigned is the attorney who represented Mr. Morgan  
13 at the agency level and while I have attempted to assist him to date, I limited that activity as I am  
14 not admitted to practice in Washington, D.C. and I had asked him to find local counsel more  
15 familiar with this type of litigation.  
16

17 This case should move expeditiously from this point on unless we cannot find the needed  
18 witnesses in the United States or cannot complete extraterritorial and other depositions by  
19 telephone without the need for letters rogatory or subpoenas.  
20

21 For the foregoing reasons, the plaintiff respectfully requests that the Court grant this  
22 motion, and reset the close of discovery to June 3, 2008.  
23  
24  
25

<i><b>Events</b></i>	<i><b>Current deadlines</b></i>	<i><b>Proposed deadlines</b></i>
Discovery	March 3, 2008	June 3, 2008
Dispositive Motions	May 3, 2008	August 3, 2008
Oppositions	June 3, 2008	September 3, 2008
Replies	June 24, 2008	September 22, 2008

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 28th day of February, 2008, I caused a copy of the foregoing notice to be filed with the Clerk of Court using the CM/ECF system, which will then send notification of such filing to the following:

JOHN G. INTERRANTE  
 Assistant United States Attorney  
 Civil Division  
 555 4th Street, N.W.  
 Washington, D.C. 20530  
 (202) 514-7220  
 (202) 514-8780 (fax)  
[John.Interrante@usdoj.gov](mailto:John.Interrante@usdoj.gov)

\_\_\_\_\_  
 /s/  
 Clifford J. Shoemaker  
 SHOEMAKER & ASSOCIATES  
 9711 Meadowlark Road  
 Vienna, Va. 22182  
 703-281-6395  
 703-281-5807 (Fax)  
[cliff@attorneyaccess.net](mailto:cliff@attorneyaccess.net)